

REMARKS

Claims 19-23, 25-32, 34, 36-42, 44-46, 48-53, 55-57 and 59-78 are pending in this application. By this Amendment, the Abstract, specification, claims 19-23, 30-32, 34, 41, 44-46, 53, 55-57 and 64-65 are amended, claims 24, 33, 35, 43, 47, 54 and 58 are cancelled without prejudice or disclaimer and new claims 66-78 are added. Various amendments are made to the claims for clarity and are unrelated to issues of patentability.

The Office Action objects to the disclosure because of grammatical mistakes. It is respectfully submitted that the Substitute Abstract obviates the grounds for objection. Withdrawal of the objection to the Abstract is respectfully requested.

The Office Action also requests the deletion of paragraph [5]. The above amendment to the specification deletes paragraph [5].

The Office Action also rejects claims 20, 23, 24, 31, 34, 35, 43, 46, 47, 54 and 57-58 under 35 U.S.C. §112, second paragraph. It is respectfully submitted that the above amendments obviate the grounds for rejection. Withdrawal of the rejection under 35 U.S.C. §112, second paragraph is respectfully requested.

The Office Action rejects claims 19-23, 25-28, 30-34, 36-39, 41-46, 48-51, 53-57, 59-62 and 64-65 under 35 U.S.C. §102(b) by U.S. Patent 6,884,172 to Lloyd et al. (hereafter Lloyd). The Office Action also rejects claims 24, 35, 47 and 58 under 35 U.S.C. §103(a) over Lloyd. Still further, the Office Action rejects claims 29, 40, 52 and 63 under 35 U.S.C. §103(a) over Lloyd in view of U.S. Patent Publication 2002/0028655 to Rosener et al. (hereafter Rosener). The rejections are respectfully traversed with respect to the pending claims.

Independent claim 19 recites displaying the avatar at the called party, receiving a signal for controlling the avatar, wherein the received signal is transmitted from a mobile phone to the called party, and controlling the displayed avatar in accordance with the received signal.

The applied references do not teach or suggest at least these features of independent claim 19. More specifically, the Office Action primarily cites Lloyd's col. 11, lines 21-59 for the features of independent claim 19. However, the cited section does not relate to controlling a displayed avatar at a called party. Rather, the cited section merely describes that an associated avatar may be provided when a user reconnects with a gaming system. As stated in the Abstract, the gaming system maintains a persistent game world for a user, wherein the game state for the user reconnecting with the gaming system is based on the game state for the user when they disconnected from the gaming system. Lloyd does not teach or suggest displaying the avatar at the called party and controlling the displayed avatar in accordance with the received signal (from a mobile phone).

Accordingly, Lloyd does not teach or suggest all the features of independent claim 19. Rosener does not teach or suggest the features of independent claim 19 missing from Lloyd. Thus, independent claim 19 defines patentable subject matter.

Independent claim 30 recites a receiver, at a called party, for receiving signals for controlling an avatar, wherein the signals are transmitted from a mobile phone. Independent claim 30 also recites a display for displaying the avatar, and a controller for controlling different states of the displayed avatar in accordance with the received signals. For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of

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independent claim 30. Furthermore, the cited section of Lloyd does not suggest controlling the displayed avatar in accordance with the received signals and/or controlling different states of the displayed avatar. That is, Lloyd has no discussion for controlling the displayed avatar.

Lloyd does not teach or suggest all the features of independent claim 30. Rosener does not teach or suggest the features of independent claim 30 missing from Lloyd. Accordingly, independent claim 30 defines patentable subject matter.

Independent claim 41 recites displaying the avatar on the mobile phone, generating a signal for controlling the avatar displayed at the called party and displayed on the mobile phone, and transmitting the signal to the called party via a network.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 41. More specifically, the cited section of Lloyd clearly does not relate to displaying the avatar on a mobile phone and generating a signal for controlling the avatar displayed at the called party and displayed on the mobile phone. Rather, Lloyd merely describes that an associated avatar of a user may be provided when a user reconnects with the gaming system. Lloyd and Rosener do not teach or suggest all the features of independent claim 41. Thus, independent claim 41 defines patentable subject matter.

Independent claim 53 recites a display for displaying the avatar at the mobile phone, and a controller for generating a signal for controlling the avatar displayed at the called party and the controller for controlling the avatar displayed at the mobile phone. Independent claim 53 also recites a transmitter for transmitting the signal from the mobile phone to the called party via a network.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 53. More specifically, Lloyd does not teach or suggest a display for displaying the avatar at the mobile phone and a controller for generating a signal for controlling the avatar displayed at the called party and the controller for controlling the avatar displayed at the mobile phone. Rosener does not teach or suggest the features of independent claim 53 missing from Lloyd. Thus, independent claim 53 defines patentable subject matter.

Independent claim 64 recites a mobile phone for generating signals for controlling an avatar and transmitting the signals, and a called party for receiving the signals transmitted from the mobile phone and displaying the avatar in a plurality of different states based on the received signals.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 64. More specifically, Lloyd does not teach or suggest the called party for receiving the signals transmitted from the mobile phone and displaying the avatar in a plurality of different states based on the received signals. Rosener does not teach or suggest the features of independent claim 64 missing from Lloyd. Thus, independent claim 64 defines patentable subject matter.

Independent claim 65 recites generating signals to control the avatar at a mobile phone, transmitting the signals via a network, receiving the signals at a called party, and displaying the avatar in different representations at the called party based on the received signals.

For at least similar reasons as set forth above, the applied references do not teach or suggest at least these features of independent claim 65. Thus, independent claim 65 defines patentable subject matter.

Additionally, each of new independent claims 75-78 also defines patentable subject matter as the applied references do not teach or suggest the features of each respective independent claim (for at least similar reasons as set forth above).

For at least the reasons set forth above, each of independent claims 19, 30, 41, 53, 64, 65 and 75-78 defines patentable subject matter. Each of the dependent claims depends from one of the independent claims and therefore defines patentable subject matter at least for this reason. In addition, the dependent claims recite features that further and independently distinguish over the applied references.

For example, dependent claim 23 recites displaying the avatar on the mobile phone and controlling the displayed avatar equally at the mobile phone and the called party. See also dependent claims 46 and 57. The Office Action cites Lloyd's col. 11, lines 52-59 as disclosing "immediate execution." However, this does not relate to controlling the displayed avatar equally at the mobile phone and the called party. Lloyd and Rosener do not teach or suggest these features of dependent claims 23, 46 and 57. Thus, dependent claims 23, 46 and 57 define patentable subject matter at least for this additional reason.

Still further, dependent claim 68 recites that controlling the displayed avatar includes controlling an expression of the displayed avatar. Still further, dependent claim 69 recites that controlling the displayed avatar includes controlling actions of the displayed avatar. See also

dependent claims 72-73. The applied references do not teach or suggest at least these features of dependent claims 68-69. Thus, dependent claims 68-69 and 72-73 define patentable subject matter at least for this additional reason.

Further, dependent claim 70 recites receiving another signal from the mobile phone, and controlling the displayed avatar based on the received another signal. The applied references do not teach or suggest at least these features of dependent claim 70. Thus, dependent claim 70 defines patentable subject matter at least for this additional reason.

Still further, dependent claim 67 recites that the received signal corresponds to a key input from the mobile phone. See also dependent claims 71 and 74. The applied references do not teach or suggest at least these features. Thus, dependent claims 67, 71 and 24 define patentable subject matter at least for this additional reason.

CONCLUSION

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Favorable consideration and prompt allowance of claims 19-23, 25-32, 34, 36-42, 44-46, 48-53, 55-57 and 66-78 are earnestly solicited. If the Examiner believes that any additional changes would place the application in better condition for allowance, the Examiner is invited to contact the undersigned attorney at the telephone number listed below.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this,

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concurrent and future replies, including extension of time fees, to Deposit Account 16-0607 and please credit any excess fees to such deposit account.

Respectfully submitted,



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Attachment: Substitute Abstract

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ABSTRACT

A system and a method are provided to remotely control an avatar image using a mobile phone. A calling party can remotely control an avatar image included in data transmitted to a called party using a mobile phone. Preferred embodiments of systems and methods according to the present invention can include joint-key button controllers that make buttons corresponding to joints of an avatar image remotely control movements of the joints, respectively. Accordingly, an avatar image received by a called party can be controlled. Since the calling party can remotely control the avatar image transmitted to the called party, it is possible to deliver emotions and messages of the calling party through movements of a visual avatar image.